

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**BAB SYSTEMS, INC., an Illinois corporation,**

**Plaintiff,**

V.

**STEINMAN & STEINMAN, INC., a Florida corporation, MARC STEINMAN, LEE STEINMAN, individually and as personal representative of the ESTATE OF MARVIN STEINMAN and MARA HENDERSON,**

**Defendants.**

Case No. 08 CV 3737

**Judge George W. Lindberg**

**Magistrate Judge Jeffrey Cole**

**PLAINTIFF'S RESPONSE TO MOTION FOR EXTENSION OF TIME  
TO RESPOND TO PETITION TO COMPEL ARBITRATION**

Plaintiff BAB Systems, Inc (“BAB”), by its attorneys, Marc P. Seidler and John A. Hughes of DLA Piper US LLP, respond as follows to Defendants’ Motion for Extension of Time to Respond to Petition to Compel Arbitration:

1. In the event that Defendants' motion is granted, BAB will require an extension of time to August 18, 2008 within which to file its reply. BAB is concerned that such a delay will also delay the resolution of the Petit on to Compel, which the Court has set for prompt ruling on September 10, 2008.

2. Applications to compel arbitration pursuant to Section 4 of the Federal Arbitration Act (the “FAA”) are intended to be resolved expeditiously, as evidenced by the fact that Section 4 of the FAA permits such applications to be heard on only five days’ notice and specifies a summary proceeding. Delay in resolving the preliminary issues of arbitrability of the dispute between BAB and Defendants necessarily delays the disposition of the underlying dispute which involves enforcement of BAB’s post-termination option to purchase the assets of Defendants’

former franchised business and of Defendants' post-termination covenant not to compete, both of which rights are extremely time-sensitive.

3. Defendants' statement that they require further time to file a response to the Petition to Compel Arbitration because of BAB's filing of a supplemental declaration on July 29, 2008, is misleading. The supplemental declaration simply attached additional copies of a guaranty of the franchise agreement (containing the agreement to arbitrate disputes with BAB) signed by one of the Defendants, Mara Henderson. That should not necessitate a significant re-evaluation of Defendants' position on the Petition to Compel, particularly given that the undersigned provided a copy of the documents attached to the supplemental declaration to Carmen Caruso, attorney for Defendants, on July 16, 2003.

4. That Defendants are attempting to delay the disposition of the Petition to Compel, and the underlying dispute, is clearly shown by the fact that they waited until the day on which their response was due to file a motion to extend time to file a response, which motion is not even noticed for presentment until two days following the date to which the extension is sought.

WHEREFORE, plaintiff BAB Systems, Inc. requests the Court deny Defendants' Motion to Extend Time to File a Response to the Petition to Compel or, alternatively, to grant BAB until August 18, 2008 to file its reply.

Respectfully submitted,

**BAB SYSTEMS, INC.**

s/ Marc P. Seidler

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**CERTIFICATE OF SERVICE**

Marc P. Seidler, an attorney, certifies that on August 4, 2008, he caused the foregoing Plaintiff's Response to Motion for Extension of Time to Respond to Petition to Compel Arbitration to be filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all ECF registered parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

s/ Marc P. Seidler

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